



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

m-f

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/787,297

02/27/2004

Hao Xue

51085-6 /slb

6561

7380

7590

08/28/2006

SMART & BIGGAR

P.O. BOX 2999, STATION D
900-55 METCALFE STREET
OTTAWA, ON K1P5Y6
CANADA

EXAMINER

NGUYEN, TUAN HOANG

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/787,297	XUE ET AL.	
	Examiner	Art Unit	
	Tuan H. Nguyen	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 2/27/2004, 9/27/2004, and 8/5/2005 has been considered by Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Griffiths (US PUB. 2002/0186827).

Regarding claim 24, Griffiths teaches a memory for storing data for access by a talk request processing system, comprising: a data structure stored in said memory, said data structure being an ignoreDnD (read on bypass code) attribute comprising at least one predetermined ignore reason value (see fig. 4 step 545 page 6 [0078]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths (US PUB. 2002/0186827) in view of Liebenow (U.S PUB. 2002/0085698).

Consider claims 1 and 10, Griffiths teaches a talk request processing in a do-not-disturb (DnD) capable communication system, comprising: receiving a talk request for a requested communications session involving a user device capable of walkie-talkie-like functionality (page 2 [0022] and page 4 [0055]).

Griffiths does not explicitly show that selectively overriding DnD functionality for the requested communications session as a function of an ignoreDnD attribute for the user device.

In the same field of endeavor, Liebenow teaches selectively overriding DnD functionality for the requested communications session as a function of an ignoreDnD attribute for the user device (page 2 [0017]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, selectively overriding DnD functionality for the

requested communications session as a function of an ignoreDnD attribute for the user device, as taught by Liebenow, in order to provide with a special privacy mode for use when a user desires privacy.

Consider claim 20, Griffiths teaches a user device capable of walkie-talkie-like functionality for a do-not-disturb (DnD) capable communication system, the user device comprising: a user interface adapted to accept an external input to modify an ignoreDnD attribute for the user device (page 2 [0018]).

Griffiths does not explicitly show that an ignoreDnD attribute request generator responsive to said external input adapted to send a network call processing server a request to update the ignoreDnD attribute of the user device.

In the same field of endeavor, Liebenow teaches an ignoreDnD attribute request generator responsive to said external input adapted to send a network call processing server a request to update the ignoreDnD attribute of the user device (page 2 [0017]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, an ignoreDnD attribute request generator responsive to said external input adapted to send a network call processing server a request to update the ignoreDnD attribute of the user device, as taught by Liebenow, in order to provide with a special privacy mode for use when a user desires privacy.

Consider claims 2, 11, and 21, Griffiths further teaches the user device is a wireless device (item 220) (page 4 [0050]).

Consider claim 3, Griffiths further teaches the ignoreDnD attribute comprises an ignoreDnD flag, and wherein selectively overriding said DnD functionality is a function of the ignoreDnD flag (page 4 [0055]).

Consider claim 4, Griffiths further teaches the ignoreDnD attribute comprises at least one predetermined ignore reason value, and wherein selectively overriding said DnD functionality is a function of the at least one predetermined ignore reason value (page 6 [0078]).

Consider claim 5, Griffiths further teaches the talk request has a current state associated therewith, the current state being one of a number of possible current states for the talk request, wherein each predetermined ignore reason value represents a corresponding possible current state for the talk request, the method further comprising: evaluating the ignoreDnD flag to determine whether further ignoreDnD processing is to be performed (page 6 [0078]), and if evaluating the ignoreDnD flag determines that further ignoreDnD processing is to be performed: a) determining the current state of the talk request (page 4 [0054]); and b) for each of the at least one predetermined ignore reason value: i) comparing the corresponding possible current state with the current state of the talk request; wherein said DnD functionality is overridden if any

corresponding possible current state matches the current state of the talk request (page 6 [0078]).

Consider claims 6 and 15, Griffiths further teaches each possible current state of the number of possible current states for the talk request is a priority state of the talk request at the time it was received (page 3 [0035]).

Consider claims 7 and 16, Griffiths further teaches the ignoreDnD flag comprises a boolean value, and wherein: evaluating the ignoreDnD flag comprises identifying the boolean values and comparing the boolean value to a predetermined boolean value indicative of whether further processing is to be performed (page 2 [0017]).

Consider claims 8 and 17, Liebenow further teaches the number of possible current states for the talk request comprise at least one of "urgent", and "emergency" (page 2 [0018]).

Consider claims 9 and 18, Liebenow further teaches maintaining the ignoreDnD attribute for a plurality of user devices as a function of inputs received from the user devices (page 1 [0012]).

Consider claim 12, Liebenow further teaches the network call function comprises: a data store adapted to store the ignoreDnD attribute for the user device (page 1

[0010]); a DnD processing function adapted to provide DnD functionality (page 1 [0011]); and an ignoreDnD processing function adapted to override DnD functionality for the requested communications session as a function of the ignoreDnD attribute stored in the data store for the user device (page 2 [0017]).

Consider claim 13, Griffiths further teaches the ignoreDnD attribute comprises an ignoreDnD flag and at least one predetermined ignore reason value, and wherein the ignoreDnD processing function selectively overrides said DnD functionality as a function of the ignoreDnD flag and the at least one predetermined ignore reason value (page 6 [0078]).

Consider claim 14, Griffiths further teaches the talk request has a current state associated therewith, the current state being one of a number of possible current states for the talk request, wherein each predetermined ignore reason value represents a corresponding possible current state for the talk request, wherein the ignoreDnD processing function: retrieves the ignoreDnD attribute from the data store (page 6 [0070]); and evaluates the ignoreDnD flag to determine whether further ignoreDnD processing is to be performed, and if evaluating the ignoreDnD flag determines that further ignoreDnD processing is to be performed: a) determines the current state of the talk request (page 4 [0054]); and b) for each of the at least one predetermined ignore reason value: i) compares the corresponding possible current state with the current state of the talk request (page 6 [0078]); wherein said DnD functionality is overridden if

Art Unit: 2618

any corresponding possible current state matches the current state of the talk request (page 6 [0078]).

Consider claim 19, Griffiths further teaches a talk request processing system in the form of a call processing server (page 9 [0109]).

Consider claim 22, Griffiths further teaches a user interface display for displaying modifications for the ignoreDnD attribute indicated by the external input (page 6 [0075]).

Consider claim 23, Griffiths further teaches the user interface is further adapted to accept an external query input to retrieve an ignoreDnD attribute for the user device, the ignore DnD attribute request generator is further adapted to: (a) send a network call processing server a query to retrieve the ignoreDnD attribute of the user device (page 6 [0070]); and b) receive a response to said query from the network; wherein the user interface display is adapted to, in response to the ignoreDnD attribute request generator receiving the response to said query, display the ignoreDnD attribute for the user device (page 4 [0053]).

Conclusion

6. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

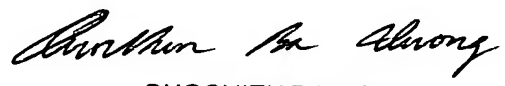
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2618

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618

 8/21/06
QUOCHIEN B. VUONG
PRIMARY EXAMINER